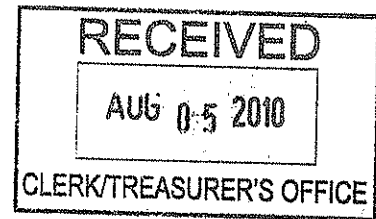


State of Vermont

LAND USE PERMIT

AMENDMENT



CASE NO 4C0331-27
APPLICANT City of Burlington
ADDRESS Burlington International Airport
1200 Airport Drive
South Burlington, VT 05403

LAWS/REGULATIONS INVOLVED
10 V.S.A. §§ 6001 - 6092 (Act 250)

and

City of South Burlington
575 Dorset Street
South Burlington, VT 05403

District Environmental Commission #4 hereby issues Land Use Permit Amendment 4C0331-27, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6092. This permit amendment applies to the lands identified in Book 755, Page 600 and Book 720, Page 285, of the land records of the City of South Burlington, Vermont, as the subject of a deed to the Burlington International Airport, City of Burlington, the Permittees as Grantees.

This permit specifically authorizes the Permittees to construct a municipal dog park including gravel parking, new water yard spigot, new fencing & gates and brush and tree removal. The Project is located on Kirby Road in the City of South Burlington.

The project is subject to Act 250 jurisdiction because the project is a material change to a development over which the Commission has jurisdiction and thus a land use permit amendment is required pursuant to Act 250 Rule 34.

The Permittees, and their assigns and successors in interest, are obligated by this permit to complete, operate and maintain the project as approved by the District Commission in accordance with the following conditions:

1. All conditions of Land Use Permit #4C0331 and amendments are in full force and effect except as amended herein.
2. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
3. The project shall be completed, operated and maintained in accordance with: the plans and exhibits on file with the District Environmental Commission, and the conditions of this permit.

4. The approved plans are:

Sheet SP-1 - "Site Plan, South Burlington Dog Park" dated May 13, 2010; and
Sheet SP-2 - "Details, South Burlington Dog Park" dated June 10, 2010.

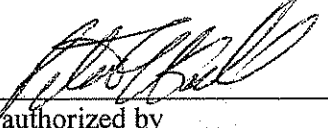
5. A copy of this permit and approved plans shall be on the site at all times throughout the construction process.
6. No changes shall be made in the design or use of this project without the written approval of the District Coordinator or the Commission, whichever is appropriate under the Act 250 Rules.
7. Pursuant to Act 250 Rule 51(G), the permit application and material representations relied upon during the review and issuance of this permit by the District Commission shall provide the basis for determining future substantial and material changes to the approved project and for initiating enforcement actions.
8. The District Environmental Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that the permit holder file an affidavit certifying that the project is being completed, operated and maintained in accordance with the terms of the permit, as provided by 10 V.S.A. §§ 6001-6092 and the rules of the Natural Resources Board (Act 250 Rules).
9. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittees and their successors and assigns.
10. This permit hereby incorporates all of the conditions of the following Agency of Natural Resources Permits:
- Potable Water Supply and Wastewater System Permit #WW-4-3513 issued on July 12, 2010 by the Wastewater Management Division.
- Any subsequent nonmaterial changes to these permits shall be automatically incorporated herein upon issuance by the Agency of Natural Resources. Subsequent amendments involving material changes to the Act 250 permit shall not be constructed prior to review and approval of the District Coordinator or the District Commission under applicable Act 250 Rules.
11. The Permittees shall apply and maintain calcium chloride and/or water on all roadways or disturbed areas within the project during construction and until pavement and/or vegetation is fully established to control dust.
12. There shall be no floor drains installed at the facility without first acquiring the required Underground Injection Control Permit from the Wastewater Management Division of the Agency of Natural Resources.
13. The Permittees shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all slopes and disturbed areas. The

Commission reserves the right to schedule hearings and site inspections to review erosion control and to evaluate and impose additional conditions with respect to erosion control as it deems necessary.

14. All areas of disturbance must have temporary or permanent stabilization within 14 days of the initial disturbance. After this time, any disturbance in the area must be stabilized at the end of each work day. The following exceptions apply: i) Stabilization is not required if work is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours. ii) Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of 2 feet or greater (e.g. house foundation excavation, utility trenches).
15. All disturbed areas of the site shall be stabilized, either seeded and mulched or covered in stone or rolled erosion control matting immediately upon completion of final grading. All disturbed areas not involved in winter construction shall be double mulched and seeded before September 15. Between the periods of October 15 to April 15, all earth disturbing work shall conform with the "Winter Construction" standards and specifications of the *Vermont Standards & Specifications for Erosion Prevention & Sediment Control* (2006).
16. In addition to conformance with all erosion control conditions, the Permittees shall not cause, permit or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the Permittees from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
17. The Permittees shall maintain a 50-foot undisturbed, naturally vegetated buffer strip between all watercourses on the project site and any disturbed areas.
18. All stumps shall be disposed of on-site above the seasonal high water table or at a State approved landfill so as to prevent groundwater pollution.
19. No exterior light fixtures have been proposed or approved by this permit amendment.
20. The Permittees shall not erect additional exterior signage without first obtaining approval from the District Commission. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs.
21. No further subdivision, alteration, and/or development of any parcel of land approved herein shall be permitted without the written approval of the District Commission or a written determination from the District Coordinator that a permit is not required.
22. The Permittees shall reference the requirements and conditions imposed by Land Use Permit #4C0331-27 in all deeds of conveyance and leases.
23. Pursuant to 10 V.S.A. § 6090(c) this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the Permittees have not commenced construction and made substantial progress toward completion within the three year period in accordance with 10 V.S.A. § 6091(b).

24. All site work and construction shall be completed in accordance with the approved plans by October 30, 2013, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without public hearing.
25. Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A., § 6027(g).

Dated at Essex Junction, Vermont, this 3rd day of August, 2010.

By 
As authorized by
Thomas A Little, Chair
District #4 Commission

Members participating in
this decision:

Jim McNamara
Chuck Dunham

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A). Decisions on minor applications may be appealed only if a hearing was held by the district commission. Please note that there are certain limitations on the right to appeal. See 10 V.S.A. § 8504(k). Any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of issuance, pursuant to 10 V.S.A. Chapter 220.

The Notice of Appeal must include all information required by Rule 5(b)(3) of the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Ctr. Bldg., Drawer 20, Montpelier, VT, 05620-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the VRECP. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The address for the Environmental Court is: Environmental Court, 2418 Airport Rd., Suite 1, Barre, VT 05641-8701. (Tel. # 802-828-1660)

E X H I B I T	DATE	E N T E R E D	N O.	Nature of Exhibit and Date Entered
				A = Applicant T = Town O = Opponent RPC = Regional Planning Commission ANR = Agency of Natural Resources VTRANS = Vt. Agency of Transportation DPS = Department of Public Services M = Municipality DHP = Division for Historic Preservation WMD = Wastewater Management Division L = Landowner
1	6/15/10	A		Letter by William Nedde, Krebs & Lansing (6/10/10)
2	"	"		USGS Plan (6/10/10)
3	"	"		Act 250 Land Use Permit Application Cover Sheets
4	"	"		Schedule A - Fee Information
5	"	"		Schedule F - Certificate of Service
6	"	"		Schedule B - Act 250 Narrative
7	"	"		Municipal Impact Questionnaire
8	"	"		City of South Burlington Approval (6/8/10)
9	"	"		Letter by William Nedde, to E. Christianson, WWMD re Water Supply & Wastewater Disposal Application (6/10/10)
10	"	"		Ability to Serve Letter by South Burlington Water Department (6/14/10)
11	"	"		Plan: Site Plan Sht. SP-1 (5/13/10)
12	"	"		Plan: Details Sht. D-1 (6/10/10)
13	6/17/10	"		Plan: Parcel Plan Showing Adjoining Property Owners Sht. SP-2 (6/16/10)
14	6/18/10	"		Schedule E - Adjoining Landowners
15	07/30/10	"		Wastewater System & Potable Water Supply Permit #WW-4-3513 (07/12/10)

CERTIFICATE OF SERVICE

I hereby certify on this 3rd day of August, 2010, a copy of the foregoing **ACT 250 LAND USE PERMIT #4C0331-27**, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

Note: any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes. All email replies should be sent to nrb-act250essex@state.vt.us

City of South Burlington
c/o Tom Hubbard, Director
Recreation and Parks
575 Dorset Street
South Burlington, VT 05403
thubbard@sburl.com

Burlington Airport
c/o Robert McEwing
1200 Airport Drive
South Burlington, VT 05403
RMCEwing@btv.aero

Chair, City Council/Chair, City Planning Commission
City of Burlington
149 Church Street
Burlington, VT 05401

Bill Nedde, PE
Krebs & Lansing Consulting Engineers, Inc.
164 Main Street, Suite 201
Colchester, VT 05446
klengineers@comcast.net

Donna Kinville, City Clerk
Chair, City Council/Chair, City Planning Commission
City of South Burlington
575 Dorset Street
South Burlington, VT 05403

Chittenden County Regional Planning Commission
110 West Canal Street, Suite 202
Winooski, VT 05405
stilton@ccrpcvt.org

Elizabeth Lord/ANR
103 South Main St. - Center Bldg., 3rd Floor
Waterbury, VT 05671-0301
anr.act250@state.vt.us

FOR YOUR INFORMATION

District #4 Environmental Commission
Thomas Little, Chair
James McNamara/Chuck Dunham
111 West Street
Essex Junction, VT 05452

Mike Kundrath - **Vt. Dept. of Public Service**
112 State Street, Drawer 20
Montpelier, VT 05620-2601
michael.kundrath@state.vt.us

Craig Keller - **Utilities & Permits/VTrans**
One National Life Drive, Drawer 33
Montpelier, VT 05633
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Louise Waterman/Brendan O'Shea
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116 State Street, Drawer 20
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brendan.oshea@state.vt.us

Division for Historic Preservation
National Life Building, Drawer 20
Montpelier, VT 05620
scott.dillon@state.vt.us
devin.colman@state.vt.us

Dated at Essex Junction, Vermont, this 3rd day of August, 2010.

/s/ Barbara J. Cady
Administrative Secretary
879-5614